

Remarks

Claims 7-26 are pending. Favorable reconsideration is respectfully requested.

The claims were rejected under 35 U.S.C. § 112, ¶ 2, as set forth on page 2 of the Office Action. Applicants have amended the claims to address each point raised by the Examiner, and believe that the claims as amended fully meet the requirement of 35 U.S.C. § 112. Withdrawal of the rejection of the claims under § 112, ¶ 2 is solicited.

The invention is directed to a medical device which warns the user of a risk of atrial fibrillation. The user of such a device is not likely to have received any medical training, and thus the device uses a limited number of state signals to indicate relative risk. In a preferred embodiment, four differently colored LEDs are used, one representing a no-risk condition and one representing a very high risk or actual occurrence of atrial fibrillation. The state signals are selected and activated by comparing the users RR interval scatter plot with a normal scatter plot, and activating the appropriate state signal based on the differences between the scatter plots. No scatter plot is displayed -- only a "go/no-go" state signal which requires no subjective interpretation.

Claim 16 requires generating such a state signal, and apparatus claim 17 requires different visual display units for each state signal. The prior art, whether considered separately or together, does not teach or suggest generating state signals or displaying these signals.

Gilham, for example, discloses a dynamic (changing with time) display of a scatter plot, but does not teach or suggest quantifying the plot and correlating the plot to a state signal. The other references, e.g. *Kamen*, *Levitan*, etc., also do not teach or suggest creation of a state signal. All the devices shown by these references are bulky diagnostic devices for use in a doctor's office or hospital, and all include a display of scatter points, which requires medical knowledge to interpret. By contrast, Applicants' devices are for use in the home or


by being worn by the user -- i.e. they are simple, small, and portable devices which can be used anywhere.

Applicants respectfully submit that the prior art does not teach or suggest quantifying scatter plot differences to create state signals, which is required in all of Applicants' claims. Withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) is therefore solicited.

Applicants submit that the claims are now in condition for Allowance, and respectfully request a Notice to that effect. If the Examiner believes that further discussion will advance the prosecution of the Application, the Examiner is highly encouraged to telephone Applicants' attorney at the number given below.

Respectfully submitted,

EDMUND SCHIESSLE ET AL.

By 
William G. Conger
Reg. No. 31,209
Attorney/Agent for Applicant

Date: February 5, 2007

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351